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SUBJECT: KAZAKHSTAN: 2008-2009 INCSR REPORT, PART 1

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11. (U) Sensitive but unclassified. Not for public Internet.

12. (SBU) SUMMARY: In response to reftel, please find below Part 1 of the 2008 International Narcotics Control Strategy Report (INCSR) for Kazakhstan. Kazakhstan is still affected by the expansion of international drug trafficking and continues to fight drug trafficking, focusing on improvements to legislation, prevention, and supply reduction. Law-enforcement agencies in Kazakhstan have focused their efforts on disruption of the trafficking route from Afghanistan, which is the main source of narcotics into and throughout the country. Afghan heroin transported along the northern route supplies Kazakhstan's domestic market and transits Kazakhstan to Russia and onward to Europe. Kazakhstan continues implementation of two, large-scale programs to combat corruption and drug trafficking mandated by President Nazarbayev. Strengthening the borders, especially in the south, is a priority for the government. Kazakhstan acceded to the 1988 UN Convention against Illicit Trafficking of Narcotics and Psychotropic substances (Narcotics Convention) in April 1997 and is also party to the United Nations Convention against Corruption. END SUMMARY.

COUNTRY CONTEXT AND CONTRIBUTING FACTORS

13. (SBU) Its geographic location, relatively developed transportation infrastructure, the openness of its borders with neighboring countries, and its social and economic stability have made Kazakhstan a major transit zone for narcotics and psychotropic substances. This year, the drug situation in Kazakhstan has been characterized by a decrease in the total number of registered drug-related crimes and a significant increase in the volume of seized drugs, including heroin.

14. (SBU) The main factors influencing illegal drug use and sales in Kazakhstan are the expansion of Afghan production, the importation of synthetic drugs from Russia and Europe, and the presence of naturally-growing marijuana in Southern Kazakhstan. The main types of drugs illegally crossing into and through the country are Afghan opiates, synthetic drugs, and cannabis. During the first nine months of 2008, there was a significant increase in the volume of seized heroin (from 379 kilos to 1.5 metric tons, a 300% increase compared to the same period last year).

TOUGHER PENALTIES FOR DRUG-RELATED CRIMES

15. (SBU) A law signed on June 26 by President Nazarbayev that amends the Criminal, Criminal Procedural, and Administrative Codes introduced tougher punishments for drug-related crimes, which is consistent with article 24 of the Narcotics Convention stipulating application of stricter measures than those required by the Convention. The new law increases the most serious penalty for drug-related crimes to life imprisonment. Because of the threat to Kazakhstani national security posed by narco-trafficking, the new law defines certain drug-related crimes as "especially grave" and, thus, life imprisonment is now available in cases of trafficking in large quantities; participation in drug-related crimes as part of a criminal organization; drug sales in an educational institution

and/or to minors; and sale or distribution of drugs resulting in death.

¶6. (SBU) Article 319-1 of the Administrative Code penalizes entrepreneurs of entertainment facilities who do not take measures to stop the sale and/or consumption of drugs, psychotropic substances, and precursors. Fines are determined by the status of the owner and are based on the Monthly Calculated Index (MCI), which is determined annually and is the basis of all fines and taxes for both individuals and businesses. Additionally, MCI is also the basis for pension calculations and benefits. MCI is currently 1,168 KZT (approximately \$9).

¶7. (SBU) The amended counter-narcotics legislation is believed to have been a factor in the recent increase in narcotics use, including among heroin and opium users. The average price of heroin nearly doubled in the northern regions of the country and increased an average of 130% in the southern regions.

¶8. (SBU) The serious problem of seized drugs being resold by corrupt police was dealt with by introducing amendments to the Criminal Procedure Code allowing for the destruction of more than the minimum amount necessary for evidence as soon as forensic testing is completed. The minimum amount would be retained and entered into evidence, along with the forensic report, during trial.

POLICY INITIATIVES

¶9. (SBU) In November 2005, President Nazarbayev signed a decree approving a strategy to combat drug addiction and trafficking for 2006-2014. The purpose of the strategy was to create a full-scale

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system in which both the government and civil society together counteract the problems of drug addiction and narco-business.

¶10. (SBU) The 2006-2008 Astana-Drug Free City program, announced by President Nazarbayev in September 2006, focuses on demand reduction, treatment of drug addiction, and combating drug trafficking.

The Ministry of Internal Affairs (MVD), jointly with other law enforcement agencies, is charged with implementing this program, in which law-enforcement agencies target night clubs and other areas where drugs are sold. As a result of the program, law enforcement agencies in Astana reported 198 drug-related crimes during the first nine months of 2008. One hundred thirty-six of these crimes involved sales. The volume of seizures in Astana increased by 62.7% and the total amount of heroin seized in Astana has increased by more than 600%.

¶11. (SBU) In accordance with Article 11 of the Narcotics Convention, Kazakhstan participates in controlled deliveries. During the first nine months of 2008, 27 controlled deliveries, including 12 cross-border operations, were conducted by Kazakhstani law-enforcement bodies. Kazakhstan conducted five controlled deliveries jointly with colleagues from the Kyrgyz Republic and the Russian Federation and two operations with Tajikistan. These operations resulted in the seizures of 600 kilos, including over 88 kilos of heroin.

LAW-ENFORCEMENT EFFORTS

¶12. (SBU) Kazakhstan actively fights narco-trafficking to and throughout the country. For example, special services share information with their colleagues from neighboring countries. The Border Guard Service has jurisdiction over trafficking across the border, while counter-narcotics operations in country are conducted by Ministry of Internal Affairs (MVD) units and the Committee for National Security (KNB), with the goal of ultimately arresting the leaders of trafficking rings.

¶13. (SBU) All law-enforcement agencies combined reported 7,883 drug-related crimes, including 295 cases of trafficking during the first nine months of the year. A total of 23 tons, including 200 kilos of drugs and psychotropic substances, were seized during that

period, which is a 6.5% increase over the same period last year (21 tons, 787 kilos were seized during the same period in 2007). The total includes 1,514 kilos of heroin (nearly a 300% increase over last year's seizures of 378 kilos), 14 kilos of opium (a decrease of 92.9% from last year's 197 kilos), 327 kilos of hashish (a 74.7% increase), and 21,196 kilos of marijuana (a 3.6% increase over last year's 20,467 kilos).

¶14. (SBU) Kazakhstani law-enforcement agencies have focused on conducting quality operations against entire cartels and not just the arrest of small couriers to increase seizure statistics. Over nine months, the MVD crushed eight organized criminal groups, whose members committed 51 drug-related crimes. As a result of these operations, the police seized 48.763 kilos of drugs, including 37 kilos of marijuana, over 10 kilos of heroin, and one kilo of cannabis resin.

¶15. (SBU) Two record seizures marked 2008. In March, the Customs Service seized 537 kilos of heroin at the Kairak border checkpoint on the Kazakhstani-Russian border utilizing a stationary X-ray machine. Two Russian citizens were sentenced to 13 years in prison as a result. The cargo was en route from Uzbekistan to Saint Petersburg. The drug couriers reportedly were paid \$8,000 to transport the heroin to Russia. The year's second large seizure was of 120 kilos of heroin by the MVD's Committee on Combating Drugs, in cooperation with the U.S. Drug Enforcement Administration and Turkish law enforcement.

¶16. (SBU) The law enforcement agencies of Kazakhstan, Russia, Tajikistan and Uzbekistan, with the assistance of Afghanistan, broke up one of the largest Central Asian trafficking organizations, which transported heroin and opium through Central Asia to Russia. As a result of the multi-stage, three-year Operation "Typhoon," law-enforcement agencies opened 24 criminal cases and arrested 42 members of an international drug ring, including 14 citizens of Kazakhstan. A total of 800 kilos of heroin and 100 kilos of opium were seized in four countries during the operation. As a result of the operation, all branches were disrupted in participating countries. Traffickers working for the cartel transported drugs via two routes: from Shymkent (on the Kazakhstani-Uzbek border) through Taraz, Karaganda, Astana, and Petropavlovsk and from Shymkent through Taraz, Almaty, Taldy Korgan, and Ust-Kamenogorsk.

¶17. (SBU) As a result of the successful operations and the latest amendments to legislation, drug prices have increased throughout the country. In Astana, prices have doubled to \$600 for a kilo of marijuana, \$5,000 for hashish, and \$10,000 for heroin. In Almaty, a kilo of marijuana is up to \$400 from last year's \$250. In Pavlodar,

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a kilo of heroin ranges from \$10,000 to \$15,000, an increase over last year's \$8,000.

¶18. (SBU) During the reporting period, 5,756 people were detained for drug-related crimes (A decrease of 6.6% from last year). The number of women, minors, and repeat offenders committing drug-related crimes has decreased by 4.2% for women (from 684 to 655), 36.5% for minors (from 52 to 33), and 4.9% for repeat offenders (from 288 to 274). Convictions for drug-related crimes have also decreased from 5,850 to 5,326. Of those convicted, 575 were women and 31 were minors.

¶19. (SBU) The Kanal-2008 (Channel) interstate operation was conducted within the framework of the Collective Security Treaty Organization (CSTO) on September 15-23. The purpose of the operation was the detection and disruption of trafficking from Central Asia and Afghanistan and the dismantling of transnational organized criminal groups involved in trafficking. In Kazakhstan, the operation resulted in the discovery of 274 drug-related crimes, including 97 cases of sales and nine cases of trafficking, with the seizure of 1.4 metric tons of drugs, including 133 kilos of heroin.

CORRUPTION

¶20. (SBU) As a matter of government policy, Kazakhstan does not encourage or facilitate illicit production or distribution of

narcotic or psychotropic drugs or other controlled substances, or the laundering of proceeds from illegal drug trafficking. There were no cases of senior government officials engaged in the illicit production or distribution of drugs. However, there were several reported cases of corrupt police officers.

¶21. (SBU) Two officers of the Criminal Police Unit and two officers of the Counter-Narcotics Unit in Southern Kazakhstan were sentenced to 10 to 12 years after having been convicted of the storage and sale of drugs and the abuse of their official position. As a result of an undercover KNB operation in January, the four officers were arrested for attempting to force a recently-released convict to sell drugs that had been previously seized.

¶22. (SBU) The 1998 Law on Combating Corruption and Presidential Decrees on Measures for Strengthening the Fight Against Corruption (2005) and On the State Program on Combating Corruption for 2006-2010 were passed or issued to deal with the issues of government corruption. The 2003 UN Convention on Corruption was ratified in May 2008.

¶23. (SBU) In November, President Nazerbayev announced the need for further law-enforcement reforms. The system he proposed would be effective, transparent, and would serve the interests of the people. Nazarbayev also proposed that fight against government corruption should be concentrated in one body. Currently, all state agencies are mandated to take measures to combat corruption internally. To prevent corruption in the MVD, it conducts internal seminars about anti-corruption legislation.

AGREEMENTS AND TREATIES

¶24. (SBU) The United States and Kazakhstan signed the seventh Supplementary Protocol to the Memorandum of Understanding on Narcotics Control and Law Enforcement on August 29 to support demand reduction programs and the sixth Supplementary Protocol on September 29 to support border security, counter-narcotics and anti-trafficking in persons programs.

¶25. (SBU) The law-enforcement bodies of Kazakhstan closely cooperate with the Agency of the Kyrgyz Republic on Drug Control, the Agency on Drug Control of the Republic of Tajikistan, the Federal Service of the Russian Federation on Drug Control, and the National Center on Drug Control of the Cabinet of Ministers of the Republic of Uzbekistan. The intergovernmental interagency agreements on cooperation in the area of combating drugs are the legal basis for this cooperation. These countries conduct joint operations and investigations, demand reduction events, special operations, exchange of operative information and methodological literature, working meetings, and other activities.

¶26. (SBU) The pilot phase of the Central Asian Regional Information Coordination Center (CARICC) was launched on November 1, 2007, in Almaty. UNODC recruited the core staff for the pilot phase. CARICC has already participated in controlled delivery operations. Kazakhstan believes that CARICC will become an effective organization which will collect operational information and analyze it. Kazakhstan ratified the CARICC agreement on November 6 and, with the ratification of Tajikistan six days later, CARICC has the required ratifications for the agreement to enter into force. Turkmenistan and Kyrgyzstan had previously ratified the agreement. According to the terms of the CARICC agreement, signed by all of the countries of Central Asia, Russia, and Azerbaijan, the agreement officially enters into force 30 days after Kazakhstan receives the

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fourth ratification instrument.

¶27. (SBU) CARICC has established professional relationships with Europol, Interpol, the World Customs Organization, and other professional agencies. DEA is opening an office in Almaty to allow for closer contact with both Kazakhstan and CARICC.

CULTIVATION/PRODUCTION

¶28. (SBU) A favorable climate in Kazakhstan contributes to the

growth of wild marijuana, equisetum ephedra, and opium poppies. Such plants grow on over 1.2 million hectares in Almaty, Zhambyl, South Kazakhstan, Kyzylorda, and East Kazakhstan regions. The largest source of marijuana in Kazakhstan is the Chu Valley in the Zhambyl region. Marijuana with a high THC content grows naturally on an estimated 138,000 hectares in the Chu Valley. The approximate annual harvest is estimated to be as high as 145 thousand tons of marijuana or 6,000 tons of hashish.

129. (SBU) The government has considered various proposals to fight marijuana cultivation in the Chu Valley, including introduction of a quarantine zone in the region or establishing industrial processing of wild marijuana.

130. (SBU) By order of the Minister of Interior, the Committee on Combating Drugs established two new units in May 2007 which are believed to have resulted in a 17% increase in the prices for all cannabis-related drugs. The "Ontustik" (South) unit combats organized crime in South Kazakhstan and the "Delta-Dolina" unit focuses on criminal groups and suppliers in the Chu Valley.

131. (SBU) Operation "Mak" (Poppy) is an annual operation conducted from May 25 to October 25 to combat the harvesting of illicit crops and disrupt drug cartels in the Chu Valley. During the operation, the Committee on Combating Drugs closely cooperates with the Border Guard Service of the Committee for National Security (BGS) and creates a security zone around the valley to prevent the movement of the crop out of the valley. Inter-agency mobile units also conduct patrols throughout the valley. As a result of the operation, law-enforcement agencies found 230 separate illicit crop cultivations, including 24 areas growing poppies and 206 areas growing marijuana over a total area of 11,079 square meters. Over 20 tons of drugs, including those being trafficked through the area, were seized during this year's operation, including 50 kilos of heroin, 20 tons of marijuana, over two kilos of opium, and 74 kilos of hashish. The MVD registered 3,754 drug-related crimes, including 1,476 cases of sales and 107 cases of trafficking. The operation also resulted in the detention of 3,170 offenders. Despite the discovery of poppy cultivation, law-enforcement agencies have not yet discovered a heroin lab in Kazakhstan. It is believed that the majority of the raw opium from the Kazakhstani poppies is smoked, chewed, or eaten. (NOTE: An average user chews or eats 5-10 grams of raw opium. END NOTE).

132. (SBU) On July 28, police closed a lab producing pervitin (methamphetamine hydrochloride) in Pavlodar (Northern Kazakhstan). Methamphetamine is included in the list of drugs, psychotropic substances, and precursors that are subject to control under Kazakhstani legislation. The lab was operated by a Russian citizen who learned to build and operate a lab from a fellow prisoner in Tolyatti, Russia while serving a two-year term for a drug-related crime.

DRUG FLOW/TRANSIT

133. (SBU) Despite the large amount of domestic production, Kazakhstan faces a much more serious threat from the transit of narcotics. As a result of the transit, the country faces an increasing problem with addiction. International experts estimate that 10%-15% of drugs trafficked through Kazakhstan remain in the domestic market.

134. (SBU) The main types of drugs trafficked through Kazakhstan are Afghan opiates (heroin and opium), synthetic drugs (LSD and ecstasy), marijuana, and hashish. Police discovered no labs producing heroin, LSD, or ecstasy during 2008.

135. (SBU) The delivery and sale of synthetic drugs was disrupted by the KNB in the North Kazakhstan region, where 500 doses of ecstasy from the Netherlands were seized. The price of one pill was estimated at approximately 15 Euro. In the Jamaika night club in Astana, the MVD detained a distributor of 50 ecstasy pills, who was later convicted and sentenced to ten years in prison. Though the majority of ecstasy seized in Kazakhstan has previously been from Europe, this year the MVD seized some ecstasy that had been imported from Istanbul.

136. (SBU) According to officers working at internal narcotics

checkpoints, trucks traveling under the UN International Road Transport Convention (TIR) are being used to traffic narcotics

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through the country. Recent seizures in TIR vehicles have confirmed these suspicions. The TIR Convention was drafted to facilitate the international shipment of goods and was meant to simplify and harmonize administrative formalities. Article 5 of the TIR Convention stipulates that goods carried in sealed vehicles or containers shall not be subjected to examination by customs officials en route. However, to prevent abuses, customs authorities may, in exceptional cases and particularly when irregularity is suspected, examine the goods.

¶37. (SBU) Though there are definite advantages for countries in the Convention, such as avoiding long delays at the borders and physical inspection of goods in transit, it is clear that traffickers are exploiting the TIR Convention. Law-enforcement agencies on the border and inside the country have said that more truck scanners are needed to detect contraband in sealed trucks. However they are also clamoring for reconsideration of the rules of the TIR Convention, to allow for inspection of vehicles.

DOMESTIC PROGRAMS/DEMAND REDUCTION

¶38. (SBU) In order to address the serious issue of drug addiction in Kazakhstan, the MVD is working closely with the Ministry of Culture and Information, the Ministry of Health, and the Ministry of Education and Science to conduct demand reduction and prevention campaigns. The Ministries implemented a pilot project in September to detect drug consumption among university students. Law enforcement and medical personnel are conducting drug tests at a university in Astana and will forward the results to parents and conduct statistical analysis on the results. The aim of the project is to raise awareness among the public, parents, teachers, and members of Parliament about the necessity for obligatory drug tests in educational institutions, including universities and secondary schools.

¶39. (SBU) In the demand reduction area, interested agencies conducted over 4,500 events, including large-scale demonstrations, seminars, round tables, conferences, lectures, and sport competitions. A total of 270,000 people participated in these events. With the help of state agencies and the local administration, 2,600 clubs were established to encourage youth to lead a healthy life-style. An estimated 688,000 people have visited these clubs. Approximately 6,400 anti-narcotics materials were issued since the beginning of the year, including TV and radio programs and printed materials.

¶40. (SBU) Secondary schools in Kazakshtan include discussions of the dangers of drug use with students in their curricula, encourage students to seek help from social and psychological services, and work directly with parents when necessary. The Ministry of Education and Science also introduced special demand-reduction courses in the academic curricula at schools. As part of this program, experts in drugs, psychologists, and police deliver lectures to students.

¶41. (SBU) Kazakhstan also conducts harm-reduction programs through educational campaigns and needle exchanges. In accordance with the 2006-2010 program, those with AIDS from vulnerable populations receive contraceptives, educational materials, needle exchanges, and treatment of infections on a free confidential basis. Friendly clinics and government and NGO hotlines deliver these services.

BILATERAL COOPERATION

¶42. (SBU) The International Narcotics and Law Enforcement Section (INL) of the U.S. Embassy works with the United Nations Office on Drugs and Crime (UNODC) to strength the Rubezh-Narkotiki (internal narcotics) checkpoints. UNODC provides communications equipment to six posts throughout the country. Based on the results of an assessment of the Rubezh checkpoints, INL arranged a series of training events for personnel working at the checkpoints. To support the future sustainability of counter-narcotics training

capacity, INL equipped a computer lab and provided conference and interpretation equipment to the Interagency Scientific and Analytical Counter-Narcotics Training Center in Almaty.

¶43. (SBU) The International Organization for Migration (IOM) is the implementing partner in the project to strengthen the Kazakhstani side of the Kazakhstani-Russian border. IOM recently established a second Border Guard Training Center in Uralsk, Western Kazakhstan.

¶44. (SBU) One of the major programs initiated in 2008 was a canine program with all law-enforcement agencies. INL funded the purchase of three dogs and sponsored the attendance of three Kazakhstani officers at a two-month course at the Canine Center in Bad Kreuzen, Austria. The training of the first three dogs was meant to acquaint Kazakhstanis with the Austrian method of training dogs for the search of drugs and allow Kazakhstani and Austrian officials to exchange experience in this area. The Austrian method uses training approaches that minimize stress and conflict and maximize

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psychological work with the dogs. The training of instructors was followed by a series of interagency training programs in Kazakhstan. Through its grant to IOM, INL is renovating sections of the canine facility at the Military Institute of the Committee for National Security.

¶45. (SBU) To increase border security capacity, INL continues its close cooperation with the Border Guard Service and the Military Institute of the Committee for National Security. Post provided drug detection equipment and training in its use to border posts. Two instructors of the Military Institute attended basic training at the U.S. Border Patrol Academy in Artesia, New Mexico.

THE ROAD AHEAD

¶46. (SBU) The United States will continue its cooperation with the Government of Kazakhstan to increase counter-narcotics capacity. INL will continue providing training in drug courier profiling, the use of newly provided equipment, and new operations techniques. Next year, the focus will be on information exchange in the area of intelligence gathering.

¶47. (SBU) The United States will continue its cooperation with the Border Guard Service and provide technical assistance to checkpoints on the Kazakhstani-Russian border and will open an additional training center on the northern part of the Kazakhstani-Russian border.

¶48. (SBU) In cooperation with the Military Institute, INL plans to send one instructor from the Institute to the U.S. Customs and Border Protection Academy and one canine instructor to a canine academy in the United States. Post will work with the Military Institute to strengthen its canine capacity by providing equipment and technical assistance. INL plans to continue to support the relationship between the Austrian Ministry of Interior's Canine Center and Kazakhstani canine centers.

¶49. (SBU) Currently, law enforcement officers lack requisite English-language skills and are unable to communicate directly with specialized units in other countries. To solve this problem, INL will provide English-language training to cadets of the Military Institute and staff of specialized counter-narcotics units.

STATISTICAL TABLES - TO BE PROVIDED SEPARATELY

CHEMICAL CONTROL

¶50. (SBU) Article 12 of the Narcotics Convention requires parties to control substances frequently used in the illicit manufacture of narcotics drugs or psychotropic substances. In response, the MVD's Committee on Combating Drugs established a special section on licensing the legal trade of precursor chemicals, psychotropic substances, and drugs. The section created a single, unified register of legal entities whose activity is related to trade with precursors. The register currently has more than 1,500 entries.

¶51. (SBU) One of the forms of state control over the trade in precursors is Operation Doping. In this operation, subdivisions of the Committee on Combating Drugs inspect legal entities for compliance with rules on the storage, use, and destruction of drugs, psychotropic substances, and precursors on an annual basis. These preventive measures allow for effective controls over precursors and prevent their outflow to illegal businesses.

¶52. (SBU) As a result of Operation Doping, the MVD found 332 violations in the legal drug trade, seized 919.4 metric tons of precursors (hydrochloric and sulphuric acid), and seized 10,333 ampoules of drugs substances and 4,755 ampoules of psychotropic substances. The MVD initiated 30 criminal cases of violation of the handling rules for drugs, psychotropic substances, and poisons, and 75 administrative cases of illegal use of drugs, psychotropic substances, and precursor chemicals without the aim of sale.

¶53. (SBU) The MVD reports that, in accordance with present legislation, potassium permanganate and acetic anhydride are subject to state control and are included in the list of precursors that are subject to control. Acetic anhydride is not produced in Kazakhstan and is not imported into its territory. There has been no industrial use of acetic anhydride since 2005.

MILAS